IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 26509 of 2007(E)

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PETITIONER:

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K.T.THOMAS,
S/O.THOMAS, 'KUNNATH HOUSE', POST KODENCHERY,
KOZHIKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

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1. THE REGISTRAR OF CO-OPERATIVE SOCIETY,
TRIVANDRUM.

2. KODENCHERY SERVICE CO-OPERATIVE BANK LTD
NO.F 1762 REPRESENTED BY ITS SECRETARY,
KODENCHERY, KOZHIKODE.

BY ADV. SRI.P.P.JACOB FOR R2
GOVT. PLEADER SMT. ANU SIVARAMAN FOR R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K. M. JOSEPH, J.**

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**W.P.C. NO. 26509 OF 2007 E**

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**Dated this the 17th September, 2007**

**JUDGMENT**

Petitioner has approached this Court praying for a direction to shift the place of election of the second respondent Bank to any convenient place at Kodenchery. He also seeks orders on Ext.P1.

2. I heard the learned counsel for the petitioner, learned Government Pleader besides the learned counsel for the second respondent Bank. According to petitioner, the election meeting scheduled to be held at Nellipoyil which is a remote area where there is no bus service. It is stated that if the election is held at Nellipoyil, there will be difficulties and the difficulties are also alleged. A Counter Affidavit has been filed denying the allegations. According to petitioner, there is power under Rule 176 of the Kerala Co-operative Societies Rules. Learned counsel for the second respondent disputes it. He also points out

that actually Ext.P1 is not even filed before the Registrar, which is also disputed by the petitioner. I feel that a decision should be directed to be taken on Ext.P1 in accordance with law after hearing all the parties. I also feel that the order passed on the same should be directed to be kept in abeyance for a period of two days from the date of service of the order. In order to facilitate an early disposal of the matter, petitioner or his representative and the representative of the second respondent shall be present before the first respondent on 22.9.2007 at 11 A.M. First respondent will proceed to hear them and take a decision in accordance with law within a period of five days from the date of hearing. The order so passed shall be kept in abeyance for two days from the date of service of the same on the second respondent. Both the counsel for petitioner and the second respondent submit that they are desirous of having the election on 3.11.2007. I leave open the contentions of

the parties including the contention regarding the maintainability of Ext.P1.

The Writ Petition is disposed of as above.

**K. M. JOSEPH, JUDGE**

**kbk.**